IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15075 of 2005

Between:

Yarlagadda Purnachandra Rao, s/o Chalamaiah,
R/o Plukonda Village, Nandivada Mandal, Krishna District.

..... PETITIONER

AND

The Mandal Revenue Officer, Mandavalli Mandal, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings of the respondent in Rc.No.A2/197/2005 dt.21-06-2005 in respect of lands of the petitioner in Sy.Nos.39 and 68 of an extent of Ac.2.42 cents situated at Unikilli Village, Mandavalli Mandal, Krishna District, under A.P. Assign Lands (Prohibition of Transfer) Act 9 of 1977 as without jurisdiction illegal and arbitrary and consequently set aside the same, and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for the Respondent: GP FOR REVENUE

This Court at the admission stage made the following:

ORDER:

The petitioner seeks a Mandamus declaring the show-cause notice, dated 21-06-2005, issued by the respondent under the provisions of the Andhra Pradesh Assign Lands (Prohibition of Transfer) Act, 9 of 1977 (hereinafter referred to as 'the Act') in respect of the land to an extent of Ac.2-42cents in Survey Nos.39 and 68 situated at Unikilli Village, Mandavalli Mandal, Krishna District, as illegal and arbitrary.

The petitioner states that he, being a landless poor, obtained a D-Form patta in respect of the land-in-question on 09-03-1971 on payment of market value and that pattadar passbook was granted in his favour. It is stated that since the date of purchase, the petitioner has been in continuous possession and enjoyment of the said land and that a few years ago, he converted the said land into a fish tank. While the matter stood thus, on 21-06-2005, the first respondent issued the impugned show-cause notice. It is also stated that the provision of the Act are not applicable to the land-in-question. It is further stated that the petitioner submitted an explanation, dated 07-07-2005, to the said notice. However, the respondent has taken no further steps based on the said explanation. Hence, the writ petition.

Having heard the learned counsel for the petitioner, the learned Government Pleader appearing for the respondent and perused the material available on record and in view of the facts and circumstances of the case, especially in view of the fact that the explanation submitted by the petitioner is pending before the respondent, without expressing any opinion on the merits of the case,

I deem it appropriate to direct the respondent to dispose of the said explanation.

The writ petition is accordingly disposed of directing the respondent to consider the explanation, dated 07-07-2005, submitted by the petitioner and pass appropriate orders, after giving due opportunity to the petitioner, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not interfere with the possession of the petitioner in respect of the land-in-question. No costs.

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(ELIPE DHARMA RAO, J)

Date:13-07-2005

Note:

Issue CC in two days.

B/o

ghn

To

1. The Mandal Revenue Officer, Mandavalli Mandal, Krishna District.

2. Two CCs to the Government Pleader for Revenue, High Court of A.P.,

Hyderabad. (O.U.T.)

3. Two CD copies.